

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 2, 4, 5, 7-10, 13-16, 18, 19, 22, 24, and 26-29 are pending in the application, with claim 1 being the independent claim. Claims 8-10, 13-16, 18, 19, 22, 24, and 26-29 are withdrawn. Claims 3, 6, 11, 12, 17, 20, 21, 23, and 25 were previously canceled without prejudice to or disclaimer of the subject matter therein. Claims 1, 2, 5, 9 and 14 are sought to be amended. Support for the amendments to claims 1, 2, and 5 may be found throughout the specification as filed. Withdrawn claims 9 and 14 have been amended to correct typographical errors. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

I. Rejection Under 35 U.S.C. § 101 is Traversed

The Examiner has rejected claim 5 under 35 U.S.C. § 101 as allegedly encompassing non-statutory subject matter. *See* Office Action, page 3. Applicants respectfully disagree. However, in an effort to advance prosecution, and not in acquiescence to the Examiner's rejection, claim 5 has been amended to recite "[a]n isolated host cell." Applicants respectfully assert that the rejection of claim 5 has been rendered moot and request reconsideration and withdrawal of the rejection.

II. Rejection Under 35 U.S.C. § 102(e) is Traversed

The Examiner has rejected claims 1, 2, 4, 5, and 7 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2007/0065429 (“the ‘429 publication”). The Examiner asserts that the ‘429 publication claims priority to U.S. Provisional Appl. No. 60/463,424, filed April 16, 2003, and that the ‘429 publication discloses the presently claimed polypeptides, polynucleotides, vectors, host cells, and methods of immunizing hosts to produce antibodies. *Id.* at page 4. Applicants respectfully disagree that the ‘429 publication qualifies as prior art with respect to the subject matter of claims 1, 2, 4, 5, and 7.

Applicants assert that the subject matter of claims 1, 2, 4, 5, and 7 was not disclosed in U.S. Provisional Appl. No. 60/463,424, to which the ‘429 publication claims priority. Therefore, the ‘429 publication does not qualify as prior art under 35 U.S.C. § 102(e) to claims 1, 2, 4, 5, and 7 of the present application, which was filed as an International Application on January 30, 2004. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

III. Statement of Substance of Interview

Applicants submit the following Statement of Substance of the Interview in accordance with M.P.E.P. § 713.04.

Applicants' representative, Jeremiah B. Frueauf, called Examiner Wegert on April 8, 2011, regarding Box 12c) on the Office Action Summary form sent November 12, 2011. Examiner Wegert confirmed that Box 12c) was checked in error and that all

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certified copies of the priority documents have been received. Applicants' thank Examiner Wegert for clarifying the record.

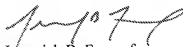
IV. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider the presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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